

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-30951

Issue No: 4000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 15, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: LISA D. DAHLQUIST

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing received by the Department on August 11, 2008. After due notice, a telephone hearing was conducted from Flint, Michigan on July 15, 2009. The claimant, [REDACTED], appeared and testified. Amanda Heusted, Eligibility Specialist, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's State Disability Assistance (SDA) application.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On June 13, 2008, claimant filed an application for State Disability Assistance.

2. On July 16, 2008, claimant was sent a Verification Checklist (DHS-3503 and DHS 3503C) informing her of what was needed to determine her eligibility for the SDA Program. DHS-3503C required her to provide verification of U.S. citizenship.
3. Verifications were to be returned by July 28, 2008.
4. Claimant indicated she requested Department assistance in acquiring her birth certificate.
5. On August 6, 2008, the Department issued an Application Eligibility Notice (DHS-111150) denying benefits for failure to cooperate by providing required verification.
6. Claimant filed an appeal of the denial on August 11, 2008.
7. At the hearing, claimant provided a copy of her birth certificate from the State of North Carolina (Exhibit #1).
8. Amanda Heusted, as the Department Representative, agreed to reopen the claim to receive proof of citizenship and to forward claimant's application for medical review and processing.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA Program pursuant to MCL 400.10, et seq. and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM). The Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of the necessary forms. PAM 105, p. 5. Claimants must take action

within their ability to obtain verification. The local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed ten (10) calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification, despite a reasonable effort, the time limit should be extended up to three times. *Id.*

In the record presented, the Department did not receive proof of U.S. citizenship and denied claimant's entitlement. Claimant requested, but claimed she was denied assistance, in acquiring her out-of-state birth certificate. Claimant made reasonable efforts to acquire it on her own, and eventually, was able to obtain it and furnished it to the Department. A copy of claimant's birth certificate (Exhibit #1) was presented.

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the date of the hearing. The Department provides an Administrative Hearing to review the Department decision and determine if it is appropriate.

In the present case, claimant is contesting the denial of her application for SDA. At the hearing, the Department agreed to reinstate claimant's application and forward it to Medical Review for processing. Claimant understood and was in agreement with the proposed action to be taken by the Department. Because the parties have reached an agreement, it is unnecessary for this ALJ to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, decides that the Department and claimant have come to a settlement regarding claimant's hearing request. Therefore, it is ORDERED that the Department reinstate and process claimant's application for SDA in accordance with the Settlement Agreement.

/s/

Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 20, 2009

Date Mailed: July 23, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LDD/law

cc:

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